

ORDINANCE NO. 1788

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING
ORDINANCE NUMBER 1437, THE COMPREHENSIVE PLAN (CPA-95-02).**

WHEREAS, the City of Milwaukie desires to review, amend and revise its Comprehensive Plan on a regular basis; and

WHEREAS, the Planning Commission has reviewed the Comprehensive Plan amendment at a duly advertised public hearing on September 26, 1995; and

WHEREAS, the City Council held a duly advertised public hearing on November 7, 1995;

**NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS
FOLLOWS:**

Section 1. Findings. Findings of fact in support of this proposed amendment are as follows:

1. CPA-95-02 is a legislative action and is being processed as stipulated by provisions of Section 1011.5(B) of the Milwaukie Zoning Ordinance.
2. Objective #1, Chapter 2 of the Milwaukie Comprehensive Plan lays out the requirement that the City:

Review, revise and amend the Comprehensive Plan on a regular basis, assuring that the Plan and implementing ordinances meet regional, State and Federal guidelines.

The amendments to the Comprehensive Plan are consistent with and meet the applicable regional, State and federal standards. A specific amendment to the Natural Resources Property List (Appendix 2) has been proposed in order to continue to be consistent with Statewide Planning Goal #5, Open Spaces, Scenic and Historic Areas, and Natural Resources.

3. Policy 7 of Objective #1 of the Milwaukie Comprehensive Plan states that all Plan amendments will be evaluated based on the following criteria:

Conformance with the Comprehensive Plan, its goals, policies, and spirit;

The proposed amendment is consistent with the goals and policies of Chapter 3 - Open Spaces, Scenic Areas, and Natural Resources Element - of the Plan in that it

will include all properties previously deemed to have natural scenic resources along Kellogg Creek.

Public need for change;

This amendment is necessary to assure all property owners along Kellogg Creek are treated equally with the same rights and responsibilities.

Public need is best satisfied by this particular change;

No other alternative is available to remedy the error in leaving these properties off the Natural Resources Property List.

The change will not adversely affect the health, safety, and welfare of the community;

The proposed amendment will act to preserve the health, safety and welfare of the community by preserving, protecting and enhancing the natural riparian areas along Kellogg Creek.

The change is in conformance with applicable Statewide Planning Goals.

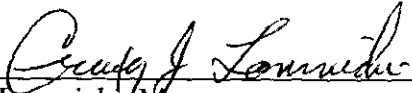
The proposed amendment is in conformance with Planning Goal #5 - Open Spaces, Scenic and Historic areas, and Natural Resources - by conserving and protecting natural and scenic resources.

Section 2. Comprehensive Plan Text Amendment. The Comprehensive Plan text of Ordinance Number 1437 is amended as described in Exhibit A.


Read the first time on November 7, 1995 and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on November 7, 1995.

Signed by the Mayor on November 7, 1995.


Craig Lomnicki, Mayor

ATTEST:


Pat DuVal, City Recorder

Approved as to form:


O'Donnell, Ramis, Crew, Corrigan & Bachrach

# Map #	Site Lot #(s)	Ownership	Values
Site #10	Minthorn Creek	Private	Riparian
1 2E 31D	1300*, 1400*, 1500*, 1900*		
Site #11	Kellogg Creek	Private	Riparian, some upland habitat
1 1E 36CD	900, 1000*, 1100, 1200, 1300, 1400, 1501, 1600*, 1800*		
1 1E 36DC	3603, 3604, 3605, 4100, 4200, 4300, 4400, 4500, 4600, 5700		
2 1E 1AA	1638*, 1639*, 1640*, 1641*, 2600*, 2701, 3000, 3100, 3205, 3206, 3207		
2 1E 1AD	100, 200*, 300, 400*, 500, 600, 700, 800, 900, 1000, 1300*, 1400*, 1500*, 1600*, 1700*, 1800*, 1900*, 2000*, 2100*, 2200*, 2300*, 2400*, 2500*, 2600*		
2 2E 6BC	1700, 1800, 1900, 2000, 2804, 2805, 3302*, 3400, 3500*, 3600*, 3700*, 3800*		
2 2E 6CA*	1200, 1300, 1400, 1501, 1600, 1700		
2 2E 6CB*	101, 200, 300, 400, 500, 600		
Site #12*(+)	Outside City limits		
2 2E 5A*	100, 200, 300, 500, 600, 700, 800		
2 2E 5AD*	100, 101		
2 2E 5B*	100		
2 2E 5BA*	100, 200, 300, 1200		
Site #13	Johnson Creek (E/W)	Private	Riparian, floodplain
1 2E 30AC	400*, 500*, 600*, 700*, 1405, 1406, 2100*, 2101*, 2200*, 2300, 2400*, 2500*, 2600*, 2700*, 2800, 2900, 3000, 3100, 3200, 3300, 3900		
1 2E 30AD*	3500, 3600, 3700, 3800, 4000, 4200, 4302, 4400, 4500, 4600, 6200, 6300, 6400, 6500, 6900, 7000, 7200, 7300, 7800, 7801, 7900, 8000, 8100, 8200, 8300, 8400, 8700, 8800		
1 2E 30BA	1200*, 1300, 1400, 1500, 1600, 1700, 1800, 1900*, 2000, 2100		
1 2E 30BB	300*, 400, 500, 600, 700, 800, 801, 2200		
1 2E 30BD	100, 200, 201, 202, 300, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200		
Site #14	N. Mt. Scott Creek	Private	Riparian
2 2E 6AA	100*, 400, 601, 700, 800, 900*		
2 2E 6AD	100		
Site #15	Spring Creek area	Public/Private	Riparian, habitat
1 1E 25CC	800, 900, 1001, 1100, 1500, 1600 (City), 1700, 2400, 2500, 4200		
1 1E 36BA	3400, 3900, 4000, 4100, 4200, 4400		
1 1E 36BB	100, 101, 200, 500, 600, 1500, 1600, 1800*, 1900, 4600, 5300 (underlined owned by City)		
1 1E 36BD	3000, 3100, 3200, 5400, 5500		
Site #16	Waverly Forest	Private	Habitat, scenic
1 1E 26DC	2100, 2200, 2400		
Site #17*(+)	Outside City limits		
2 1E 1AB	2400, 2501, 2600, 2601, 2700, 2701, 2800, 2900, 3000, 3001, 3100, 3200, 3300, 3400, 3500, 3600		
2 1E 1AC	100, 200, 300, 400, 500, 700, 800		
2 1E 1AD	2700, 2701, 2702, 2800, 2801, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3600, 3700, 3800, 4000, 4100, 4200		
2 2E 6CB	700, 800, 801, 900, 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1700, 1800, 1900, 2000, 2100, 2101, 2200, 2300, 2301, 2400		
Site #18	Railroad/37th Avenue	Private	Partial wetland. habitat
1 1E 36AD	3900, 6000, 6505, 6600		